IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 12TH SEPTEMBER 2006 / 21ST BHADRA 1928

Bail Appl..No. 5503 of 2006

CRIME NO.193/2006 OF ALUVA POLICE STATION

PETITIONER/ACCUSED NO.2

LOKESH TIWARI @ ARIYAN MITHAL AGED 32
S/O.N.P.TIWARI, QUARTERS NO. 4/8 STREET NO.15,
SECTOR NO.7, BILAI NAGAR, CHATTISGARH.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS: RESPONDENT/COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA THROUGH
THE SUB INSPECTOR OF POLICE, ALUVA POLICE STATION.

2. MADHUSOODANAN. AGED 42 YEARS, S/O.
SUDHAKARAN THAMPI, VASANTHAN HOUSE, SATELLITE
COLONY, KAKKANAD VILLAGE, ERNAKULAM DISTRICT.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5503/2006

DATED THIS THE 12TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioner is the second accused, in crime No.193/2006 of Aluva Police Station for the offence punishable under Section 420 IPC read with Section 34 IPC. The learned Magistrate of Judicial Magistrate of First Class-I, Aluva, had refused to grant bail on the grounds, inter alia, that the presence of the petitioner during the trial, was doubtful and also that the final report had already been filed. Therefore, the trial could be completed at the earliest.

2. The counsel for the petitioner submitted that the petitioner had filed Crl.M.C.No.2391/2006 for quashing the final report, filed in Crime No.193/2006 and an interim stay was ordered in Crl.M.A.No.4379/2006 on 10.8.2006. The same had already been extended until further orders. The counsel also submitted that the father of the petitioner is working in Bhilai Steel plant and the

petitioner would be available for trial or before the Investigating Officer, as and when required, and therefore, prayed for bail.

3. After hearing both sides and considering the facts on record, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Aluva.

(b). The petitioner shall not leave the State of Kerala, till the final trial and disposal of the case, unless otherwise ordered by the competent Court of law.

(c). The learned Magistrate while granting bail shall ensure that at least one of the sureties produces the solvency certificate, for the above amount to the satisfaction of that Court, and if the Magistrate is doubtful of any document

produced before him, he is at liberty to conduct the enquiry. But the same should not be allowed to protract the granting of the bail to the petitioner.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs